

No objections to this ~~Report~~ Report & Recommendation have been received
So I have reviewed it in detail and find no error, clear or otherwise. The
R+R is therefore adopted as the decision
of the Court. I
further adopt
the
recommendation

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RODNEY ALSTON,

Petitioner,

REPORT AND
RECOMMENDATION

-against-

12 Civ. 8092 (CS)(PED)

THOMAS GRIFFIN, Superintendent,
Eastern NY Correctional Facility,

MEMO ENDORSED

Respondent.¹

That no Certificate of
Appealability issue. The Clerk of
Court is respectfully directed to close
the case.
So Ordered.

TO THE HONORABLE CATHY SEIBEL, United States District Judge:

Cathy Seibel
Cathy Seibel, U.S.D.J.

I. INTRODUCTION

Dated: 10/16/14

On October 10, 2005, petitioner Rodney Alston ("petitioner" or "defendant") fatally shot
Dacheau Brown outside Club Eclipse in New Rochelle, New York. On August 1, 2006, a
Westchester County jury convicted petitioner of second degree murder (N.Y. Penal Law §
125.25(1)), second degree criminal possession of a weapon (N.Y. Penal Law § 265.03) and third
degree criminal possession of a weapon (N.Y. Penal Law § 265.02(4)). He was sentenced on
September 25, 2006 to concurrent terms of twenty years to life imprisonment (murder), fifteen
years imprisonment with five years post-release supervision (criminal possession second) and
seven years imprisonment with three years post-release supervision (criminal possession third).
Petitioner is currently incarcerated at Great Meadow Correctional Facility in Comstock, New
York.

¹ Although the Petition and the docket indicate that petitioner is incarcerated at Upstate
Correctional Facility, the DOCCS inmate locator (nysdoccslookup.doccs.ny.gov) notes that he is
currently incarcerated at Eastern NY Correctional Facility. Thus, Thomas Griffin,
Superintendent of Eastern NY Correctional Facility, is substituted as respondent pursuant to
Rule 25(d) of the Federal Rules of Civil Procedure. The Clerk of the Court shall amend the
caption to reflect the substitution.

